

30. (Amended One Time) A recombinant *Aspergillus niger* strain TGR40-13, comprising a DNA fragment encoding dhaB1, dhaB2, dhaB3, and dhaT and designated by ATCC Accession No. 74369[].

REMARKS

Applicants note the need to file a petition under 37 CFR 1.184(b) and request that such requirement be deferred until such time as the case is otherwise allowable.

The application has been restricted into eleven inventions. Applicants comply with the requirement by electing Claim 23 for the purposes of advancing examination.

Additionally, Applicants traverse the restriction requirement. This application was filed under 35 USC 371. Thus, unity of invention practice under 37 CFR 1.499 is applicable to this application (not 35 USC 121 restriction standards under 35 USC 121).

The IPEA found no lack of unity of invention of the claimed subject matter. The claims are so linked as to form a single general inventive concept as they are grounded in the common feature of the at least one gene capable of expressing a dehydratase enzyme. This traverse of the restriction requirement applies to all claims, composition and method, of the application. In particular, Applicants wish to traverse the restriction of the claimed organisms into Groups III, IV, and V-IX. The subject matter of all of these groups is classified under subclass 252 or 254 and will not necessitate an unreasonable search burden for the Office. The subject matter of these claims is supported fully in the Examples of the case. Applicants respectfully request the withdrawal of the restriction requirement and application of the rules for assessment of unity of invention.

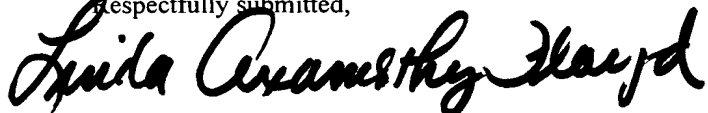
It is believed that all matters raised in Paper 3 have been addressed.

Additional Matters:

Claims 26-30 have been amended to insert the appropriate ATCC accession numbers. These deposits had been made before the PCT filing of the application, but the numbers had not been issued until after the PCT filing of the case. These amendment are supported by the text in the rectified pages 6 and 7. Applicants will review the specification further to determine the presence of possible minor errors.

Additionally, Applicants supply an Information Disclosure Statement and related documents before the issuance of a first Action on the merits.

Respectfully submitted,



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